

STATE OF TEXAS

COUNTY OF WALLER

TOWN OF PINE ISLAND

ORDINANCE NO. 2013- 001

AN ORDINANCE AMENDING ORDINANCE 98-001, THE TOWN OF PINE ISLAND, TEXAS, HUD-CODE MANUFACTURED HOME PARKS REGULATION; MODIFYING AND EXPANDING THE DEFINITION SECTION; CLARIFYING PERMITTING AND LICENSING REQUIREMENTS; AND MODIFYING SITE REQUIREMENTS.

WHEREAS, the Town Council of the Town of Pine Island, Texas passed and approved the Ordinance 98-001 on May 5, 1998, in the best interest of the public safety, health and general welfare, to prevent overcrowding of land through planned and orderly growth of the Town, to regulate HUD-code Manufactured Home Parks within the Town; and

WHEREAS, it has come to the attention of the Town Council of the Town of Pine Island that certain modifications to the Ordinance 98-001 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS THAT THE ORDINANCE 98-001 IS HEREBY AMENDED AS FOLLOWS:

Section 1 is amended to read: "This Ordinance is hereby referenced as the Town of Pine Island HUD-Code Manufactured Home Parks Ordinance."

Section 2 DEFINITIONS is amended as follows:

Remove the definition of (A) Building Official and replace it with the following:
(A) Facilities Consultant: Designated inspection authority of the Town.

Modify (G) HUD-Code Manufactured Home to add: "as published in the Code of Federal Regulations at 24 CFR 3280," following "according to the rules of the United States Department of Housing and Urban Development."

Modify (H) License to read: "Written license issued by the Town Council, authorizing a person to operate and maintain a HUD-Code Manufactured Home Park under the provisions of this Ordinance."

Add: "(R) Statement of Ownership and Location: a statement of the information contained in the official record of Texas Department of Housing and Community Affairs for a manufactured home (previously a Certificate of Title). The statement is obtained by the owner of a manufactured home from the Texas Department of Housing and Community Affairs and includes information regarding the manufactured home, where it is installed, and the ownership of the home.

Add "(S) Texas Seal: a metal plate with a number that is used to identify a manufactured home that does not have a HUD Certification Label. State law requires that a manufactured home have either a HUD Certification Label or a Texas Seal attached to it BEFORE any sale, exchange, or lease purchase (or any negotiations for such) of the home to a consumer."

Add: "(T) HUD Certification Label: a red metal label affixed by the home's original manufacturer to the exterior of each transportable section of a manufactured home. The HUD certification label exists as proof that the manufactured home was constructed under the Federal Manufactured Housing Program administered by HUD, including standards for body and frame requirements, thermal protection, plumbing, electrical, and fire safety. If the HUD Certification Label is missing from a manufactured home, Texas state law requires that a Texas Seal (purchased from the Texas Department of Housing and Community Affairs) be attached PRIOR to initiating any negotiations for the sale of the manufactured home."

Section 3 PERMITS is amended as follows:

- (B) (1) is modified to delete references to "license" and replace them with "Permit" and to delete references to "mobile home" and replace them with "Manufactured Home"
 - (2) is modified to delete references to "license" and "licensee" and replace them with "Permit" and "Permittee"
 - (3) is modified to delete references to "license" and replace them with "Permit"
 - (4) Revocation: Reissue: this section is deleted in its entirety.
 - (5) is modified to be numbered (4) and to delete references to "license" and replace them with "Permit", and to delete "mobile home park" and replace it with "HUD-Code Manufactured Home Park"
- (C) is modified to delete the "mobile home park" and replace it with "HUD-Code Manufactured Home Park"

(D) is modified to delete "Building Official" and replace it with "Town Council"

Add: (G) Violations, Notice, Suspension of Permit. If the Town Council finds that conditions or practices exist that violate any provision of this Ordinance, it shall give notice in writing in accordance with Section 6 of this Ordinance, to the Permittee or the Permittee's agent, that that unless conditions or practices in violation of this Ordinance are corrected within a reasonable period of time of not less than thirty (30) days nor more than ninety (90) days as specified in such notice, the Permit shall be suspended. At the end of the time granted for correction if the conditions or practices have not been corrected, the Town Council may suspend the Permit to construct, alter, extend or expand any HUD-Code Manufactured Home Park and give notice in writing of the suspension to the Permittee or the Permittee's agent at the address provided in the application. Upon receipt of notice of suspension, the Permittee shall cease construction, alteration, extension or expansion of the HUD-Code Manufactured Home Park within ten (10) days after the notice is issued.

Section 4 LICENSES is amended as follows:

(B) is amended to read "Application for Original License"

(C) is amended to read: "Hearing. Any person whose application for a license under this Ordinance has been denied may request a hearing in writing to the Town Council. The hearing shall be held at the next regularly scheduled meeting of the Town Council."

(H) is amended to delete references to Permit and Permittee.

(I) is added to read: "Revocation; Reissue. The Town Council may revoke a license to maintain and operate a HUD-Code Manufactured Home Park if the licensee has been found by the Town Council to be in violation of any provision of this Ordinance. After such revocation, the Town Council may re-issue a license to that licensee (upon new application and fee) if the circumstances leading to the revocation have been remedied and the park will be maintained and operated in full compliance with the Ordinance and state law."

Section 5 INSPECTION is amended to delete "Any duly authorized inspector of the Town" and replace it with "The Facilities Consultant"

Section 8 HUD-CODE MANUFACTURED HOME PARK is amended as follows:

(A)(5) is modified to delete the word "Mobil"

(B)(2) is modified to delete each instance of the word "Mobile" and "Mobil"

(C) is modified to delete the word "prove" and replace it with "provided"

(F) (4)(e) is modified to delete the word "angel" and replace it with "angles"

(H)(1) is modified to read: "The Licensee shall provide an approved water supply for the domestic use of the occupants of the Park, as well as for the use of the Park itself."

(K) is modified to delete "Rooms" and replace it with "Outbuildings"

(O) is modified to delete the words "permit or"

Section 9 PENALTY PROVISIONS is amended as follows:

Add a second paragraph to read: "The Town may seek an injunction in state district court enjoining a Licensee from constructing, altering, extending or expanding of a HUD-Code Manufactured Home Park in violation of this Ordinance."

This Ordinance shall be effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 5th day of March, 2013.

APPROVED: *Debra Ferris*
DEBRA FERRIS, MAYOR
Town of Pine Island, Texas

ATTEST:

Linda Cole
LINDA COLE, CITY SECRETARY
Town of Pine Island, Texas